

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2269

Introduced by Assembly Member Adams
(Coauthors: Assembly Members *Anderson, Blakeslee, Conway,*
***Emmerson, Evans, Gilmore, Mendoza, and Torres*)**

February 18, 2010

An act to amend Section 3212.2 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2269, as amended, Adams. Workers' compensation: injury presumption: heart trouble.

Existing workers' compensation law generally requires employers to secure the payment of workers' compensation, including medical treatment, for injuries incurred by their employees that arise out of, and in the course of, employment.

Existing law provides that, in the case of certain officers and employees of the Department of Corrections and Rehabilitation and each security officer employed at the Atascadero State Hospital, the term "injury" includes heart trouble that develops or manifests itself during a period while the officer or employee is in the service of the department or hospital, and establishes a disputable presumption that heart trouble that so develops or manifests itself arose out of and in the course of the employment.

Existing law establishes state hospital peace officers, as specified, and defines their authority as peace officers.

This bill would delete the reference in the above-described provisions to officers at the Atascadero State Hospital as security officers, and

instead, refer to those officers as peace officers. The bill would also add ~~security~~ peace officers employed at ~~certain~~ other hospitals, developmental centers, and community centers, as specified, to the list of persons to whom the above-described ~~provisions apply~~ injury presumption applies.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3212.2 of the Labor Code is amended to
2 read:

3 3212.2. In the case of officers and employees of the Department
4 of Corrections and Rehabilitation having custodial duties or group
5 supervisory duties and each ~~security~~ peace officer employed at
6 the Atascadero State Hospital, Canyon Springs Community
7 Facility, Coalinga State Hospital, Fairview Developmental Center,
8 Lanterman Developmental Center, Metropolitan State Hospital,
9 Napa State Hospital, Patton State Hospital, Porterville
10 Developmental Center, or Sonoma Developmental Center, the
11 term “injury” includes heart trouble that develops or manifests
12 itself during a period while the officer or employee is in the service
13 of the department, hospital, developmental center, or community
14 center.

15 The compensation that is awarded for the heart trouble shall
16 include full hospital, surgical, medical treatment, disability
17 indemnity, and death benefits, as provided by the workers’
18 compensation laws of this state.

19 The heart trouble so developing or manifesting itself in those
20 cases shall be presumed to arise out of and in the course of the
21 employment. This presumption is disputable and may be
22 controverted by other evidence, but unless so controverted, the
23 appeals board is bound to find in accordance with it. This
24 presumption shall be extended to a member following termination
25 of service for a period of three calendar months for each full year
26 of the requisite service, but not to exceed 60 months in any
27 circumstance, commencing with the last date actually worked in
28 the specified capacity.

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